IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CRL.R.No.2351 of 2006

DATE OF ORDER:17.11.2006

Naranjan Singh

...Petitioner(s)

Versus

State of Punjab

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. S.S. Walia, Advocate.

M.M. AGGARWAL,J

This is petition against order dated 10.11.2006 passed by Sessions Judge, Kapurthala whereby request of the accused-petitioner for recalling Charanjit Kaur PW8 for cross-examination was declined.

Case is for the offence under Sections 363/366 IPC. Section 376 IPC was added later on. Charanjit Kaur is the prosecutrix of the case. She was examined and cross-examined on 9.5.2006.

It appears that some letter copy Annexure P-4 was put in the petition box lying outside the Court on 6.10.2006 by Charanjit Kaur saying that she had implicated and deposed against Niranjan Singh at the instance

of her father since there was some dispute regarding possession and eviction.

Counsel for the petitioner points out that the application for recalling was made immediately thereafter and that in the facts and circumstances, it would have been in the interest of justice that Charanjit Kaur is recalled and cross-examined.

Trial Judge had declined the application on the ground that case was fixed for defence evidence and now recalling of PW8 would tantamount to reopening the case.

In this case, there is only one accused-petitioner Niranjan Singh. Case is serious in nature and Charanjit Kaur happens to be prosecutrix whose statement and evidence is material in finally deciding the case.

It would have been proper and in the interest of justice to recall the witness and give an opportunity to the accused-petitioner to cross-examine that witness.

As such, petition is allowed. Let Charanjit Kaur PW8 be recalled for the purpose of cross-examination.

November 17, 2006 (M.M. AGGARWAL)
manoj JUDGE